

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER et al.

Serial No.: 09/609,931

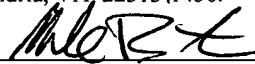
Filing Date: June 30, 2000

For: METHOD AND APPARATUS FOR
COLLECTING AND CATEGORIZING
DATA AT A TERMINAL

) Examiner: Steven B. McAllister
)
) Group Art Unit: 3627
)
) Attorney Docket No: 99-099
)
) Customer No.: 22927
)
)
)
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)
)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Priority mail in an envelope with sufficient postage and addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Dated: 06/01/05 By: 

Michael D. Brinton

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.183
TO REQUEST WAIVER OF REQUIREMENTS UNDER 37 § C.F.R. 1.48 (a)(3)**

Sir:

Applicants respectfully request a waiver of the requirements set forth under 37 C.F.R. 1.48 (a)(3) to correct inventorship in the present application without a re-execution of oath or declaration by Anna Rath, which inventor has refused to re-execute a Declaration after Applicants' diligent effort. This petition is being filed concurrently with a separate Request to Correct Inventorship under C.F.R. § 1.48 (a).

Relevant facts and proof

Applicants filed the present patent application on June 30, 2000 concurrently with a properly signed Declaration and Power of Attorney.

On or around July 21, 2004, through a review of attorney work files and pending claims, Applicants determined that Daniel E. TEDESCO, Andrew S. VAN LUCHENE and John B. DICKERSON should be added as inventors and joined in the present Application.

Anna Rath, an inventor on the present application, who had properly executed the Declaration filed June 30, 2000, is no longer employed by Walker Digital. Her last known address was: 4417 Vista Del Preseas, Malibu, CA 90265.

On July 27, 2004, Applicants prepared and sent to Anna Rath at what was then her last known address (23232 Town Walk Drive, Hamden, CT 06518), a package containing the following documents: 1) Cover letter 2) Copy of Application with Formal Drawings; 3) Combined Declaration and Power of Attorney; 4) Assignment; and 5) Self addressed stamped envelope for return to Applicants. The cover letter included instructions to sign certain documents and return the same to Applicants. The cover letters also included a contact telephone number, should she require assistance. (*Please see "EXHIBIT A" and AFFIDAVIT OF MICHAEL D. BRINTON*)

On or around August 10, 2004, the package mailed to Anna Rath's last known address of 23232 Town Walk Drive, Hamden, CT 06518 was returned to Applicants and marked "Return to Sender". (*Please see EXHIBIT "B" and AFFIDAVIT OF MICHAEL D. BRINTON*)

On August 17, 2004, through conducting an internet search, Applicants procured what was believed to be Anna Rath's correct home address of 6487 Cavalleri Road, Apartment 431, Malibu, CA 90265-4072. Applicants prepared and sent to Anna Rath at what was then her last known address (6487 Cavalleri Road, Apartment 431, Malibu, CA 90265-4072), another package containing the following documents: 1) Cover letter 2) Copy of Application with Formal Drawings; 3) Combined Declaration and Power of Attorney; 4) Assignment; and 5) Self

addressed stamped envelope for return to Applicants. The cover letter included instructions to sign certain documents and return the same to Applicants. The cover letters also included a contact telephone number, should she require assistance. (*Please see EXHIBIT "C" and AFFIDAVIT OF MICHAEL D. BRINTON*)

On August 30, 2004, Anna Rath left a telephone message for Applicants in which she provided her new address of 4417 Vista Del Preseas, Malibu, CA 90265. She did not provide her new telephone number. (*Please see AFFIDAVIT OF MICHAEL D. BRINTON*)

Also on August 30, 2004, Applicants prepared and sent to Anna Rath at what was then her last known address (4417 Vista Del Preseas, Malibu, CA 90265), another package containing the following documents: 1) Cover letter 2) Copy of Application with Formal Drawings; 3) Combined Declaration and Power of Attorney; 4) Assignment; and 5) Self addressed stamped envelope for return to Applicants. The cover letter included instructions to sign certain documents and return the same to Applicants. The cover letters also included a contact telephone number, should she require assistance. (*Please see EXHIBIT "D" and AFFIDAVIT OF MICHAEL D. BRINTON*)

On October 25, 2004, Applicants prepared and sent to Anna Rath at what was then her last known address (4417 Vista Del Preseas, Malibu, CA 90265), another package containing the following documents: 1) Cover letter 2) Copy of Application with Formal Drawings; 3) Combined Declaration and Power of Attorney; 4) Assignment; and 5) Self addressed stamped envelope for return to Applicants. The cover letter included instructions to sign certain documents and return the same to Applicants. The cover letters also included a contact telephone number, should she require assistance. (*Please see EXHIBIT "E" and AFFIDAVIT OF MICHAEL D. BRINTON*)

On November 17, 2004, through conducting an internet search, Applicants obtained Anna Rath's employer telephone number of (805) 376-6500. Applicants called and left a detailed telephone message for Ms. Rath at that number. Prior to doing so, Applicants confirmed Ms. Rath's place of employment with her secretary. Applicants requested that Ms. Rath call Applicants to follow

up regarding the status of her signature on the Declaration(s) and Assignment(s) mailed to her home on July 27, 2004, August 17, 2004, August 30, 2004, and October 25, 2004. Applicants provided a contact telephone number in this message. Anna Rath did not return Applicants' call. (Please see *AFFIDAVIT OF MICHAEL D. BRINTON* and *AFFIDAVIT OF DEAN P. ALDERUCCI*)

Since August 30, 2004, Anna Rath has not contacted Applicants in any way, notwithstanding diligent efforts by Applicants to obtain a re-execution of her Declaration in order to correct inventorship in the present Application. (Please see *AFFIDAVIT OF MICHAEL D. BRINTON*)

Last known address(es) of the non-signing inventor(s)

The latest address of Anna Rath is:

4417 Vista Del Preseas
Malibu, CA 90265

Petition Fee

Please charge **\$130.00** for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Petition, or credit any overpayment to Deposit Account No. 50-0271.

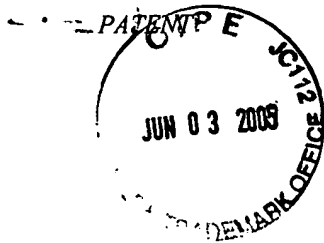
If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

June 1, 2005
Date



Michael D. Downs
Attorney for Applicants
Walker Digital, LLC
Registration No. 50,252
mdowns@walkerdigital.com
(203) 461-7292/voice
(203) 461-7300/fax



AFFIDAVIT OF MICHAEL D. BRINTON

I am employed at Walker Digital Management, LLC as a patent paralegal.

On July 27, 2004, I prepared and sent to Anna Rath at what was then her last known address: 23232 Town Walk Drive, Hamden, CT 06518, a package containing the following documents: 1) Cover letter 2) Copy of Application with Formal Drawings; 3) Combined Declaration and Power of Attorney; 4) Assignment; and 5) Self addressed stamped envelope for return to Applicants. The cover letter included instructions to sign certain documents and return the same to me. The cover letters also included a contact telephone number, should she require assistance. Anna Rath did not return any of these documents to me.

On or around August 10, 2004, the package I had mailed to Anna Rath's last known address of 23232 Town Walk Drive, Hamden, CT 06518 was returned to me and marked "Return to Sender".

On August 17, 2004, through conducting an internet search, I procured what was believed to be Anna Rath's correct home address of 6487 Cavalleri Road, Apartment 431, Malibu, CA 90265-4072. I prepared and sent to Anna Rath at what was then her last known address: 6487 Cavalleri Road, Apartment 431, Malibu, CA 90265-4072, another package containing the following documents: 1) Cover letter 2) Copy of Application with Formal Drawings; 3) Combined Declaration and Power of Attorney; 4) Assignment; and 5) Self addressed stamped envelope for return to Applicants. The cover letter included instructions to sign certain documents and return the same to me. The cover letters also included a contact telephone number, should she require assistance. Anna Rath did not return any of these documents to me.

On August 30, 2004, Anna Rath left a telephone message for me in which she provided her new address of 4417 Vista Del Preseas, Malibu, CA 90265. She did not provide her new telephone number in her message.

On October 25, 2004, Applicants prepared and sent to Anna Rath at what was then her last known address: 4417 Vista Del Preseas, Malibu, CA 90265, another package containing the following documents: 1) Cover letter 2) Copy of Application with Formal Drawings; 3) Combined Declaration and Power of Attorney; 4) Assignment; and 5) Self addressed stamped envelope for return to Applicants. The cover letter included instructions to sign certain documents and return the same to me. The cover letters also included a contact telephone number, should she require assistance. Anna Rath did not return any of these documents to me.

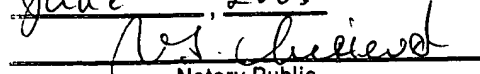
On November 17, 2004, I called and left a detailed telephone message for Ms. Rath at her last known employer telephone number of (805) 376-6500. Prior to doing so, I confirmed Ms. Rath's place of employment with her secretary. I requested that Ms. Rath

call me to follow up regarding the status of his signature on the Declaration(s) and Assignment(s) mailed to her home on July 27, 2004, August 17, 2004, August 30, 2004, and October 25, 2004. I provided my telephone number in this message. Anna Rath did not return my call.



Michael D. Brinton
June 1, 2005

Subscribed and Sworn to before me, a Notary
Public, in and for County of Fairfield
and State of Connecticut, this 1st day of
June, 2005



Notary Public

My Commission Expires Aug. 31, 2007

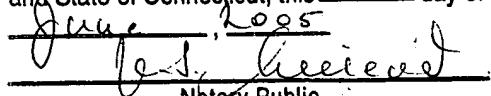
AFFIDAVIT OF DEAN P. ALDERUCCI

I am employed at Walker Digital Management, LLC as a chief counsel of intellectual property.

On November 17, 2004, Michael D. Brinton provided me with Anna Rath's last known address of 4417 Vista Del Preseas, Malibu, CA 90265. Through conducting an internet search, I obtained the name and telephone number of Anna Rath's last known employer. I provided Michael D. Brinton with Anna Rath's last known employer telephone number of (805) 376-6500.



Dean P. Alderucci
June 1, 2005

Subscribed and Sworn to before me, a Notary
Public, in and for County of Fairfield
and State of Connecticut, this 1st day of
June, 2005

Notary Public
My Commission Expires Aug. 31, 2007



July 27, 2004

Ms. Anna Rath
23232 Town Walk Drive
Hamden, CT 06518

Re: Jay S. WALKER et al.
Titled: "METHOD AND APPARATUS FOR COLLECTING AND
CATEGORIZING DATA AT A TERMINAL"
Attorney Docket No.: 99-099

Dear Anna:

It has recently come to our attention that Andrew S. Van Luchene, Daniel E. Tedesco, and John B. Dickerson were inadvertently omitted from the list of named inventors in the present application. In order to correct the inventorship, please execute the enclosed Affidavit, Declaration and Power of Attorney, and Assignment of Rights, Title and Interest in Invention. I have enclosed another copy of the Application with Formal Drawings for your reference.

Please review the Application, sign and date in blue ink (in the presence of a notary), the Affidavit of Anna Rath, the Declaration and Power of Attorney and the Assignment where indicated with the post-it flags, and return the documents to me in the enclosed self-addressed envelope at your earliest convenience.

Please note that the Application is for your reference only and need not be returned to Walker Digital. Also, please remember that the Affidavit and Assignment must be notarized.

Should you have any questions or concerns, please call me at (203) 461-7246.

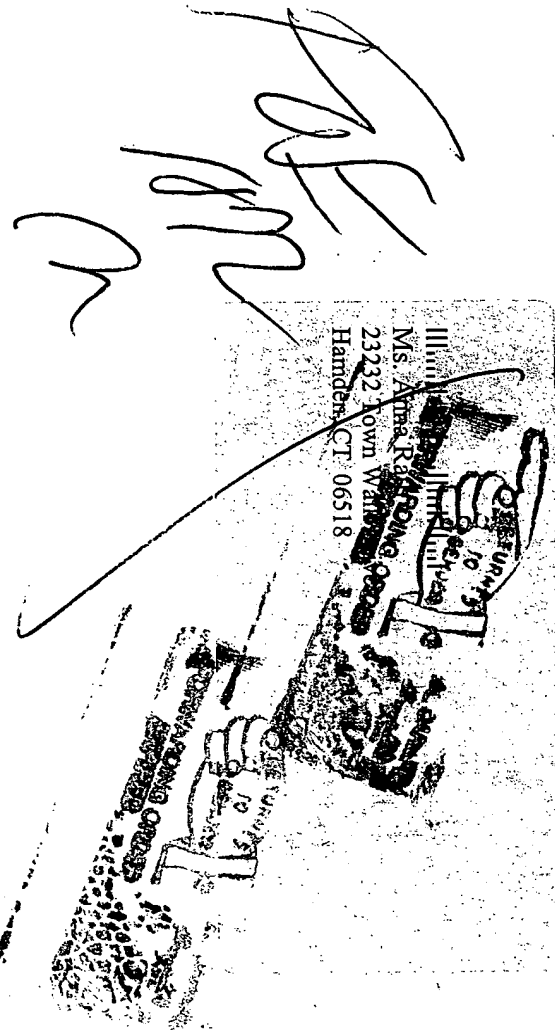
Thank you for your assistance.

Best regards,

Michael Brinton
Patent Paralegal

Enclosures

Michael D. Brinton
Intellectual Property Department,
Walker Digital Management, LLC
Five High Ridge Park
Stamford, CT 06905



WALKER
Digital
MANAGEMENT, LLC



EXHIBIT "C"

August 17, 2004

Ms. Anna Rath
6487 Cavalleri Road
Apartment 431
Malibu, CA 90265-4072

Re: Jay S. WALKER et al.
Titled: "METHOD AND APPARATUS FOR COLLECTING AND
CATEGORIZING DATA AT A TERMINAL"
Attorney Docket No.: 99-099

Dear Anna:

On July 27, 2004, I mailed a package containing an Application, Formal Drawings, Assignment, Declaration, and Affidavit to your last known home address of 23232 Town Walk Drive, Hamden, CT 06518. I had mailed these documents to you in an effort to correct the list of named inventors in the above-referenced application. Unfortunately, on or around August 10, 2004, the aforementioned package was returned by the U.S. Postal Service and stamped "Return to Sender".

I would like to re-send the Application, Formal Drawings, Assignment, Declaration and Affidavit to your new home address. Please call me at (203) 461-7246 as soon as possible in order to confirm that your current mailing address is 6487 Cavalleri Road, Apartment 431, Malibu, CA 90265-4072, and to answer any questions or concerns that you may have.

Should we not hear from you by September 14, 2004, Applicants will assume that the address listed above is incorrect.

Thank you for your assistance.

Best regards,

Michael Brinton
Patent Paralegal

Walker Digital Management, LLC
203/461.7000 main
203/461.7203 fax
www.walkerdigital.com
Five High Ridge Park
Stamford, CT 06905



August 30, 2004

Ms. Anna Rath
4417 Vista Del Preseas
Malibu, CA 90265

Re: Jay S. WALKER et al.
Titled: "METHOD AND APPARATUS FOR COLLECTING AND
CATEGORIZING DATA AT A TERMINAL"
Attorney Docket No.: 99-099

Dear Anna:

Thank you for your telephone message and for updating me with your current home address.

It has recently come to our attention that Andrew S. Van Luchene, Daniel E. Tedesco, and John B. Dickerson were inadvertently omitted from the list of named inventors in the present application. In order to correct the inventorship, please execute the enclosed Affidavit, Declaration and Power of Attorney, and Assignment of Rights, Title and Interest in Invention. I have enclosed another copy of the Application with Formal Drawings for your reference.

Please review the Application, sign and date in blue ink (in the presence of a notary), the Affidavit of Anna Rath, the Declaration and Power of Attorney and the Assignment where indicated with the post-it flags, and return the documents to me in the enclosed self-addressed envelope at your earliest convenience.

Please note that the Application is for your reference only and need not be returned to Walker Digital. Also, please remember that the Affidavit and Assignment must be notarized.

Should you have any questions or concerns, please call me at (203) 461-7246.

Thank you for your assistance.

Best regards,

A handwritten signature in blue ink, appearing to read "Michael Brinton".

Michael Brinton
Patent Paralegal

Enclosures

Walker Digital Management, LLC
203/461.7000 main
203/461.7203 fax
www.walkerdigital.com
Five High Ridge Park
Stamford, CT 06905



October 25, 2004

Ms. Anna Rath
4417 Vista Del Preseas
Malibu, CA 90265

Re: Jay S. WALKER et al.
Titled: "METHOD AND APPARATUS FOR COLLECTING AND
CATEGORIZING DATA AT A TERMINAL"
Attorney Docket No.: 99-099

Dear Anna:

We spoke briefly back in August regarding a correction of inventorship for the present application. Unfortunately, I have not yet heard back from you.

It has come to our attention that Andrew S. Van Luchene, Daniel E. Tedesco, and John B. Dickerson were inadvertently omitted from the list of named inventors in the present application. In order to correct the inventorship, please execute the enclosed Affidavit, Declaration and Power of Attorney, and Assignment of Rights, Title and Interest in Invention. I have enclosed another copy of the Application with Formal Drawings for your reference.

Please review the Application, sign and date in blue ink (in the presence of a notary), the Affidavit of Anna Rath, the Declaration and Power of Attorney and the Assignment where indicated with the post-it flags, and return the documents to me in the enclosed self-addressed envelope at your earliest convenience.

Please note that the Application is for your reference only and need not be returned to Walker Digital. Also, please remember that the Affidavit and Assignment must be notarized.

So that we may update our inventor files, please also provide me with your current home telephone number.

Should you have any questions or concerns, please call me at (203) 461-7246.

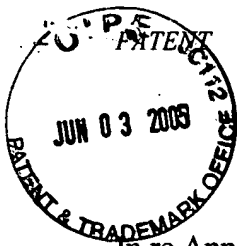
Thank you for your assistance.

Best regards,

A handwritten signature in black ink, appearing to read "Mike Brinton".

Michael Brinton
Patent Paralegal
Enclosures

Walker Digital Management, LLC
203/461.7000 main
203/461.7203 fax
www.walkerdigital.com
Five High Ridge Park
Stamford, CT 06905



Application Serial No.: 09/609,931
Attorney Docket No.: 99-099

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER et al.

Serial No.: 09/609,931

Filing Date: June 30, 2000

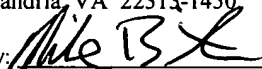
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) Examiner: Steven B. McAllister
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) Group Art Unit: 3627
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) **Customer No.: 22927**
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Priority mail in an envelope with sufficient postage and addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 06/01/05 By:


Michael D. Brinton

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO CORRECT INVENTORSHIP UNDER C.F.R. § 1.48 (a)

Sir:

Applicants respectfully request correction of inventorship. Please **ADD** the following names to the list of inventors for the present Application:

- 1) **Daniel E. TEDESCO**
- 2) **Andrew S. VAN LUCHENE**
- 3) **John B. DICKERSON**

In accordance with C.F.R. § 1.48 (a), Applicants herein provide:

- 1) a request to correct the inventorship that sets forth the desired inventorship change;
- 2) a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part (See enclosed Affidavit of Daniel E. Tedesco, Affidavit of Andrew S. Van Luchene, and Affidavit of John B. Dickerson);
- 3) an oath or declaration by all of the actual inventors (except Anna Rath, see below) as required by § 1.63;
- 4) the fee set forth in § 1.17(i) (\$130.00); and
- 5) written consent of the Assignee under 3.73 (b).

Originally named inventor Anna Rath refuses to cooperate. Applicants are concurrently filing a Petition Under 37 C.F.R. § 1.183 to Request a Waiver of the Requirements Under 37 § C.F.R. 1.48 (3) in order to request acceptance of this correction of inventorship without requiring re-execution of the oath or declaration by Anna Rath.

Upon acceptance of this Request to add new inventors Daniel E. Tedesco, Andrew S. Van Luchene and John B. Dickerson, the actual inventors (10) named in the present Application should read as follows:

- Jay S. Walker
- Keith Bemer
- Anna Rath
- Russell P. Sammon
- Magdalena M. Fincham
- Andrew P. Golden
- Geoffrey M. Gelman
- Daniel E. Tedesco
- Andrew S. Van Luchene
- John B. Dickerson

PAYMENT

Please charge **\$130.00** for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Petition, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

CONCLUSION

If the Examiner has any questions regarding this Request or the present application, the Examiner is cordially requested to contact Michael D. Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.


June 1, 2005
Date




Michael D. Downs
Attorney for Applicants
PTO Registration No. 50,252
(203) 461-7292/phone
(203) 461-7300/fax
mdowns@walkerdigital.com

**AFFIDAVIT OF DANIEL E. TEDESCO
MADE PURSUANT TO 37 CFR 1.324**

1. I Daniel E. Tedesco am an inventor of the invention described in United States Patent Application Number 09/609,931.
2. I am providing this Affidavit in an effort to help correct the record of inventorship of United States Patent Application Number 09/609,931.
3. My name was inadvertently excluded from the names of inventors for United States Patent Application Number 09/609,931, unintentionally and without any deceptive intent on my part or the part of anyone else.



Daniel E. Tedesco
Date: August 16, 2004

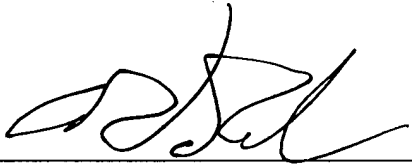
Subscribed and sworn to before me
this 16th day of August, 2004


NOTARY PUBLIC
DATE COMMISSION EXPIRES 1/31/07

MICHAEL D. BRINTON
NOTARY PUBLIC
MY COMMISSION EXPIRES JAN. 31, 2007

**AFFIDAVIT OF ANDREW S. VAN LUCHENE
MADE PURSUANT TO 37 CFR 1.324**

1. I Andrew S. Van Luchene am an inventor of the invention described in United States Patent Application Number 09/609,931.
2. I am providing this Affidavit in an effort to help correct the record of inventorship of United States Patent Application Number 09/609,931.
3. My name was inadvertently excluded from the names of inventors for United States Patent Application Number 09/609,931, unintentionally and without any deceptive intent on my part or the part of anyone else.



Andrew S. Van Luchene

Date: July 26, 2004



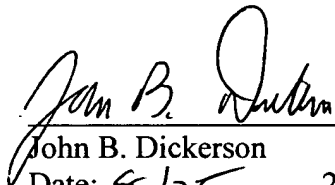
OFFICIAL SEAL
Denise DuPont
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 6/3/05

Notary Public

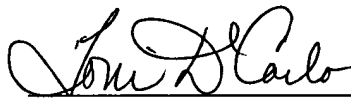
Date: July 26, 2004

**AFFIDAVIT OF JOHN B. DICKERSON
MADE PURSUANT TO 37 CFR 1.324**

1. I John B. Dickerson am an inventor of the invention described in United States Patent Application Number 09/609,931.
2. I am providing this Affidavit in an effort to help correct the record of inventorship of United States Patent Application Number 09/609,931.
3. My name was inadvertently excluded from the names of inventors for United States Patent Application Number 09/609,931, unintentionally and without any deceptive intent on my part or the part of anyone else.

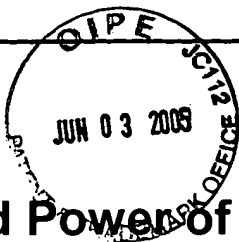


John B. Dickerson
Date: 8/25, 2004



Notary Public
Date: 8/25, 2004

TONI DECARLO
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2005



Docket No.
99-099

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND APPARATUS FOR COLLECTING AND CATEGORIZING DATA AT A TERMINAL

the specification of which
(check one)

☐ is attached hereto.

☒ was filed on June 30, 2000 as United States Application No. or PCT International
Application Number 09/609,931
and was amended on July 9, 2003 and February 4, 2004

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

January 12, 2000

(Filing Date)

(Filing Date)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Status)
(patented, pending, abandoned)

(Status)
(patented, pending, abandoned)

(Status)
(patented, pending, abandoned)

The undersigned inventor(s) is(are) hereby warned that willful false statements (including willfully falsifying, concealing, or covering up by any trick, scheme, or device a material fact; making any materially false, fictitious, or fraudulent statement or representation; or making or using any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry) and the like are punishable by fine or imprisonment of up to five years, or both (18 U.S.C. Section 1001(a)) and may jeopardize the validity of the application or any patent issuing thereon.

With understanding of the prohibitions of Section 1001(a) and knowledge of the punishment for violation of Section 1001(a), the undersigned inventor(s) hereby assert(s) that all statements made herein of his/her(their) own knowledge are true and that all statements made on information and belief are believed to be true.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*


CUSTOMER NO. 22927

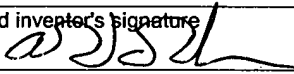
Send Correspondence to:

Michael D. Downs
Walker Digital Management, LLC
Five High Ridge Park, Stamford, CT 06905

Direct Telephone Calls to: *(name and telephone number)*

Michael D. Downs **203.461.7292**

Full name of sole or first inventor Jay S. WALKER	
Sole or first inventor's signature 	Date August 31 , 2004
Residence 260 Oscaleta Road, Ridgefield, CT 06877	
Citizenship USA	
Post Office Address s/a	

Full name of second inventor, if any Andrew S. Van Luchene	
Second inventor's signature 	Date 7/26 , 2004
Residence 229A Johnson Street, Santa Fe, NM 87501	
Citizenship USA	
Post Office Address s/a	

Full name of third inventor, if any Daniel E. TEDESCO	
Third inventor's signature	Date , 2004
Residence Two Arden Lane, Huntington, CT 06484	
Citizenship USA	
Post Office Address s/a	

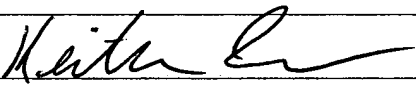
Full name of fourth inventor, if any John B. DICKERSON	
Fourth inventor's signature <i>John B. Dickerson</i>	Date <i>August 19th</i> , 2004
Residence 68 Cove Avenue, Norwalk, CT 06855	
Citizenship USA	
Post Office Address s/a	

Full name of fifth inventor, if any Keith BEMER	
Fifth inventor's signature	Date , 2004
Residence 213 Kent Street, Apt. 2L, Brooklyn, NY 11222	
Citizenship USA	
Post Office Address s/a	


Full name of sixth inventor, if any Russell P. SAMMON	
Sixth inventor's signature	Date , 2004
Residence 285 Sunshine Drive, Pacifica, CA 94044	
Citizenship USA	
Post Office Address s/a	

Full name of third inventor, if any Daniel E. TEDESCO	
Third inventor's signature	Date , 2004
Residence Two Arden Lane, Huntington, CT 06484	
Citizenship USA	
Post Office Address s/a	

Full name of fourth inventor, if any John B. DICKERSON	
Fourth inventor's signature	Date , 2004
Residence 308 Kinne Street, Apt. 72C, Syracuse, NY 13206	
Citizenship USA	
Post Office Address s/a	

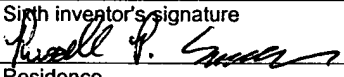
Full name of fifth inventor, if any Keith BEMER	
Fifth inventor's signature 	Date 8/16 , 2004
Residence 213 Kent Street, Apt. 2L, Brooklyn, NY 11222	
Citizenship USA	
Post Office Address s/a	

Full name of sixth inventor, if any Russell P. SAMMON	
Sixth inventor's signature	Date , 2004
Residence 285 Sunshine Drive, Pacifica, CA 94044	
Citizenship USA	
Post Office Address s/a	

Full name of third inventor, if any Daniel E. TEDESCO	
Third inventor's signature 	Date August 16, 2004
Residence Two Arden Lane, Huntington, CT 06484	
Citizenship USA	
Post Office Address s/a	

Full name of fourth inventor, if any John B. DICKERSON	
Fourth inventor's signature	Date , 2004
Residence 308 Kinne Street, Apt. 72C, Syracuse, NY 13206	
Citizenship USA	
Post Office Address s/a	

Full name of fifth inventor, if any Keith BEMER	
Fifth inventor's signature	Date , 2004
Residence 213 Kent Street, Apt. 2L, Brooklyn, NY 11222	
Citizenship USA	
Post Office Address s/a	

Full name of sixth inventor, if any Russell P. SAMMON	
Sixth inventor's signature 	Date July 27, 2004
Residence 285 Sunshine Drive, Pacifica, CA 94044	
Citizenship USA	
Post Office Address s/a	

Full name of seventh inventor, if any Andrew P. Golden	
Seventh inventor's signature <i>Andrew P. Golden</i>	Date 8/5, 2004
Residence 187 Keveney Lane, Yarmouthport, MA 02675	
Citizenship USA	
Post Office Address s/a	

Full name of eighth inventor, if any Anna Rath	
Eighth inventor's signature	Date , 2004
Residence 23232 Town Walk Drive, Hamden, CT 06518	
Citizenship USA	
Post Office Address s/a	

Full name of ninth inventor, if any Magdalena Mik Fincham	
Ninth inventor's signature <i>Magdalena Mik Fincham</i>	Date August 16, 2004
Residence 125 Florida Road, Ridgefield, CT 06877	
Citizenship USA	
Post Office Address s/a	

Full name of tenth inventor, if any Geoffrey M. GELMAN	
Tenth inventor's signature <i>Geoffrey M. Gelman</i>	Date August 16, 2004
Residence 21 Belltown Road, Stamford, CT 06906	
Citizenship USA	
Post Office Address s/a	



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEPTEMBER 26, 2000

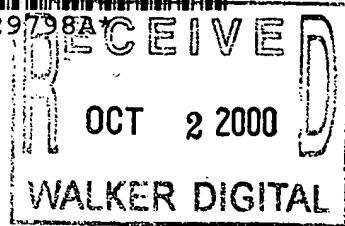
PTAS

WALKER DIGITAL CORPORATION
KURT M. MASSCHOFF
FIVE HIGH RIDGE PARK
STAMFORD, CT 06905



1014297982

COPY



99-099

**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/30/2000

REEL/FRAME: 010979/0778

NUMBER OF PAGES: 9

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

WALKER, JAY S.

DOC DATE: 06/30/2000

ASSIGNOR:

BEMER, KEITH

DOC DATE: 06/30/2000

ASSIGNOR:

RATH, ANNA

DOC DATE: 06/30/2000

ASSIGNOR:

SAMMON, RUSSELL P.

DOC DATE: 06/30/2000

ASSIGNOR:

MIK, MAGDALENA

DOC DATE: 06/28/2000

ASSIGNOR:

GOLDEN, ANDREW P.

DOC DATE: 06/30/2000

ASSIGNOR:

GELMAN, GEOFFREY M.

DOC DATE: 06/30/2000

010979/0778 PAGE 2

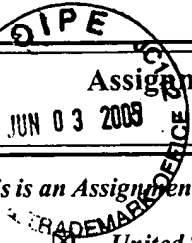
ASSIGNEE:

WALKER DIGITAL, LLC
FIVE HIGH RIDGE PARK
STAMFORD, CONNECTICUT 06905

SERIAL NUMBER: 09609931
PATENT NUMBER:

FILING DATE: 06/30/2000
ISSUE DATE:

MARY BENTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



Assignment of Rights, Title and Interest in Invention
(Multiple inventors; single assignee)

Docket No.
99-099

This is an Assignment of the following rights, title and interest: (check all that apply):

☒ United States of America rights, title and interest in the invention

☒ Foreign rights, title and interest in the invention

☒ United States Patent Application Serial No. _____

Date of Execution: 6-28-00 and 6-30-00 Date of Filing: 6-30-00

☒ United States Provisional Patent Application Serial No. 60/175,723

☐ United States Patent No(s). _____

☐ International (PCT) Patent Application Serial No. _____

☐ Other (specify) _____

COPY

Title of the Invention

METHOD AND APPARATUS FOR COLLECTING AND CATEGORIZING DATA AT A TERMINAL

Inventors (assignors)

Name	Address
Jay S. WALKER	124 Spectacle Lane, Ridgefield, CT 06877
Keith BEMER	517 E. 75th Street #2E, New York, NY 10021
Anna RATH	23232 Town Walk Drive, Hamden, CT 06518
Russell P. SAMMON	444 Bedford Street Apt. 2K, Stamford, CT 06901
Magdalena MIK	10 South New Street, Greenwich, CT 06830
Andrew P. GOLDEN	1867 2nd Avenue Apt. 5D, New York, NY 10029
Geoffrey M. GELMAN	21 Belltown Road, Stamford, CT 06905

Assignee

Name	Address
WALKER DIGITAL, LLC	Five High Ridge Park Stamford, CT 06905 United States of America

**Assignment of Rights, Title and Interest in Invention
(Multiple inventors; single assignee)**

Docket No.
99-099

Whereas, we, the above-identified Inventors, have invented certain new and useful improvements in the Invention identified above and described in the above-identified patent application(s) and/or patent(s) (hereinafter referred to as "Invention");

And, whereas we desire to assign our above-identified rights, title and interest in the Invention to the above-identified Assignee;

Now, this indenture witnesseth, that for good and valuable consideration, the receipt whereof is hereby acknowledged;

We hereby assign, sell and transfer our above-identified rights, title and interest in said Invention, said application(s) as identified above, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted or have granted for said Invention, and in and to any and all reissues and reexaminations thereof, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to us with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And we hereby authorize and request the Commissioner of Patents and Trademarks to issue any United States Letters Patent which may issue for said Invention to said Assignee, as assignee of the whole right, title and interest thereto;

And we further agree to sign and execute all necessary and lawful future documents, including applications for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee or its Designee(s) may from time to time require and prepare at its own expense.

Inventors' Signatures (if Notarization is desired, do not sign here and proceed to next page)

<i>Name</i>	<i>Signature/Date</i>
Jay S. WALKER	
Keith BEMER	
Anna RATH	
Russell P. SAMMON	
Magdalena MIK	
Andrew P. GOLDEN	
Geoffrey M. GELMAN	

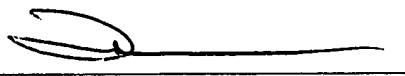
**Assignment of Rights, Title and Interest in Invention
(Multiple inventors; single assignee)**

Docket No.
99-099

Notarization

(Although notarization is not necessary, it will be considered prima facie evidence of execution pursuant to 35 U.S.C. 261.)

Executed this 30th day of June, in the year 2000
at Stamford


(Signature of Inventor)

State of Connecticut

County of Fairfield

Before me personally appeared Jay S. WALKER

who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to execute the same this 30th day of June, in the year 2000

Carol G. McDonald

Notary Public

My Commission Expires 9-30-01


(Notary Public)

Executed this 30 day of June, in the year 2000
at Stamford


(Signature of Inventor)

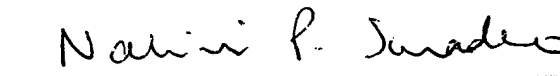
State of Connecticut

County of Fairfield

Before me personally appeared Keith BEMER

who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to execute the same this 30th day of June, in the year 2000

NALINI P. SAHADEO
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 2005


(Notary Public)

Executed this 30th day of June, in the year 2000
at Stamford,


(Signature of Inventor)

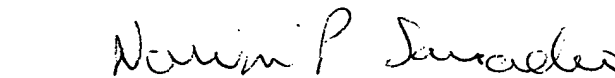
State of Connecticut

County of Fairfield

Before me personally appeared Anna RATH

who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to execute the same this 30th day of June, in the year 2000

NALINI P. SAHADEO
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 2005


(Notary Public)

**Assignment of Rights, Title and Interest in Invention
(Multiple inventors; single assignee)**

Docket No.
99-099

Notarization

(Although notarization is not necessary, it will be considered prima facie evidence of execution pursuant to 35 U.S.C. 261.)

Executed this 30 day of June, in the year 2000
at Stamford

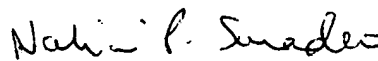

(Signature of Inventor)

State of Connecticut

County of Fairfield

Before me personally appeared Russell P. SAMMON
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to
execute the same this 30 day of June, in the year 2000

NALINI P. SAHADEO
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 2005


(Notary Public)

Executed this day of June, in the year 2000
at Stamford

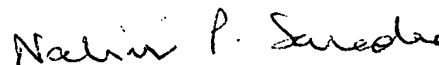

(Signature of Inventor)

State of Connecticut

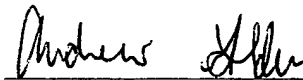
County of Fairfield

Before me personally appeared Magdalena MIK
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to
execute the same this 28 day of June, in the year 2000

NALINI P. SAHADEO
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 2005


(Notary Public)

Executed this 30th day of June, in the year 2000
at Stamford

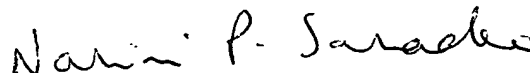

(Signature of Inventor)

State of Connecticut

County of Fairfield

Before me personally appeared Andrew P. GOLDEN
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to
execute the same this 30th day of June, in the year 2000

NALINI P. SAHADEO
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 2005


(Notary Public)

**Assignment of Rights, Title and Interest in Invention
(Multiple inventors; single assignee)**

Docket No.
99-099

Notarization

(Although notarization is not necessary, it will be considered prima facie evidence of execution pursuant to 35 U.S.C. 261.)

Executed this 30 day of June, in the year 2000
at Stamford

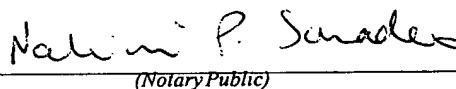

(Signature of Inventor)

State of Connecticut

County of Fairfield

Before me personally appeared Geoffrey M. GELMAN
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to
execute the same this 30th day of June, in the year 2000

NALINI P. SAHADEO
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 2005


(Notary Public)

Executed this day of, in the year
at

(Signature of Inventor)

State of

County of

Before me personally appeared
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to
execute the same this day of, in the year

(Notary Public)

Executed this day of, in the year
at

(Signature of Inventor)

State of

County of

Before me personally appeared
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to
execute the same this day of, in the year

(Notary Public)

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PTO/SB/96 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

JUN 03 2005

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: WALKER et al.

Application No./Patent No.: 09/609,931

Filed/Issue Date: June 30, 2000

Entitled: **METHOD AND APPARATUS FOR COLLECTING AND CATEGORIZING DATA AT A TERMINAL**

WALKER DIGITAL, LLC

, a Limited Liability Company

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010979, Frame 0778, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

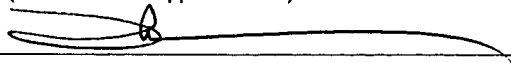
1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document (s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

Jay S. Walker

Printed or Typed Name

Chairman and CEO

Title

June 1, 2005

Date

(203) 461-7000

Telephone number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
99-099

In Re Application Of: **WALKER et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/609,931	June 30, 2000	Steven B. McAllister	22927	3627	2766

Title: **METHOD AND APPARATUS FOR COLLECTING AND CATEGORIZING DATA AT A TERMINAL**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Request to Correct Inventorship Under CFR Sec. 1.48(a) (3 pp.); Affidavit of Daniel E. Tedesco (1 pg.); Affidavit of Andrew S. Van Luchene (1 pg.); Affidavit of John B. Dickerson (1 pg.); Newly executed Declaration and Power of Attorney (7 pp.); Copy of Notice of Recordation of Assignment (2 pp.); Copy of originally filed Assignment (5 pp.); Statement Under 37 CFR Sec. 3.73(b) (1 pg.); Petition Under 37 CFR Sec. 1.183 to Request Waiver of Requirements Under 37 CFR Sec. 1.48 (a)(3) (4 pp.); Affidavit of Michael D. Brinton (2 pp.); Affidavit of Dean P. Alderucci (1 pg.); Exhibit "A" (1 pg.); Exhibit "B" (1 pg.); Exhibit "C" (1 pg.); Exhibit "D" (1 pg.); Exhibit "E" (1 pg.); and Return Receipt Postcard.

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0271** as described below.
- ☒ Charge the amount of **\$260.00**
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

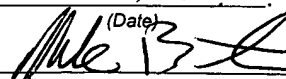
Michael D. Downs
Attorney for Applicants
PTO Registration No. 50,252
(203) 461-7292/phone
(203) 461-7300/fax
mdowns@walkerdigital.com

CUSTOMER NO. 22927

Dated: **June 1, 2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

June 1, 2005


(Date)

Signature of Person Mailing Correspondence

Michael D. Brinton

Typed or Printed Name of Person Mailing Correspondence

cc: